IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

James B. Jefferies,	)
Plaintiff,	) C/A No.: 8:07-2867-MBS )
VS.	)
	) OPINION AND ORDER
Michael J. Astrue, Commissioner of	)
Social Security,	)
Defendant.	)
	)
	)

On October 20, 2003, Plaintiff James B. Jeffries protectively filed an application for a period of disability and disability insurance benefits. Also on October 20, 2003, Plaintiff protectively filed an application for supplemental security income. Plaintiff alleges disability commencing October 1, 2003 because of chronic right lower extremity pain secondary to varicose veins and venous insufficiency; hypertension; and asthma. The applications were denied initially and upon reconsideration. Plaintiff requested a hearing before an administrative law judge ("ALJ"). The ALJ held a hearing on September 6, 2006. On December 20, 2006, the ALJ issued a decision that Plaintiff was not entitled to a period of disability and disability insurance benefits under 216(i) and 223(d) of the Social Security Act. The ALJ also determined that Plaintiff was not eligible for supplemental security income payments under section 1614(a)(3)(A) of the Act. On August 9, 2007, the Appeals Council determined that there was no basis for granting Plaintiff's request for review. Plaintiff thereafter brought the within action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the "final decision" of the Commissioner. On March 28, 2008, the Commissioner filed a motion to remand pursuant to sentence four of 42 U.S.C. § 405(g). Plaintiff filed a response in support of remand on April 22, 2008.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred

to United States Magistrate Judge Bruce H. Hendricks for a Report and Recommendation. On April

23, 2008, the Magistrate Judge filed a Report and Recommendation in which she recommended that

the motion to remand be granted. Plaintiff filed no objections to the Report and Recommendation.

The court is charged with making a de novo determination of any portions of the Report of

Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in

whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to

the Magistrate Judge with instructions. 28 U.S.C. § 636(b). In the absence of objections to the

Report, this court is not required to give any explanation for adopting the recommendation. Camby

v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and the record in this case, the court adopts the Report

and Recommendation and incorporates it herein by reference. Accordingly,

The motion to remand (Entry 17) is granted. It is ORDERED that the within action be

remanded for further proceedings in accordance with this order and the Report and

Recommendation.

IT IS SO ORDERED.

/s/Margaret B. Seymour

Margaret B. Seymour

United States District Judge

Columbia, South Carolina

May 20, 2008.

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